

SOUTH BROOKLYN LEGAL SERVICES

Brooklyn Legal Services Corp. B • John C. Gray, Project Director

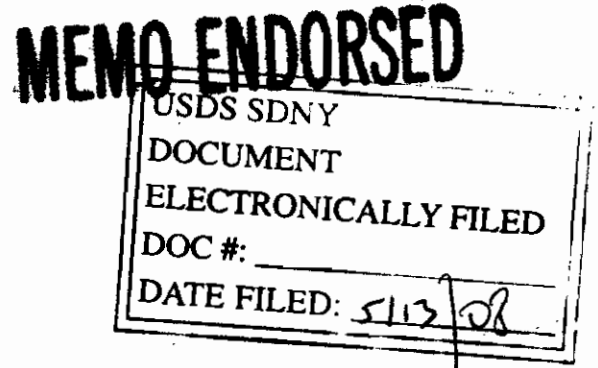
105 Court Street, Brooklyn, NY 11201 • (718) 237-5500 • Fax (718) 855-4189

May 8, 2008

The Honorable Richard Sullivan
U.S. District Court Judge
United State Court House
500 Pearl Street,
New York, NY 10007

By Regular Mail Only

Re: Diane Miceli v. David J. Gold, P.C. et al,
08 CV 2794



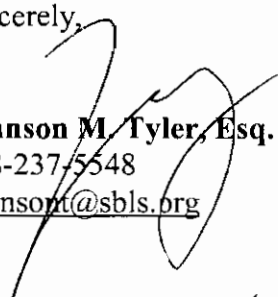
Dear Judge Sullivan,

Counsel for the plaintiff respectfully requests a conference. The two parties have not been able to agree upon a number of issues related to the Mandatory Case Management Plan which is due May 9, 2008 (tomorrow.) In particular, defendants wish to implead as 3rd party defendants a number of attorneys at South Brooklyn Legal Services without seeking leave of the Court, as contemplated in the model Mandatory Case Management Plan that we were ordered to draft for your approval. Plaintiff's counsel believe such claims would be frivolous and are intended to harass plaintiff's counsel and delay resolution of the action. Plaintiff's counsel believes clarification from the court would be useful on this issue.

Second, the two parties cannot agree as to when discovery should end. Plaintiff has chosen 9/3/08 which is before the expiration of the 120 day time limit set forth in your model discovery order. Defendant has proposed 10/1/08, which is after the expiration of the 120 day time limit.

Thank you for your attention to this matter.

Sincerely,


Johnson M. Tyler, Esq.
718-237-5548
Johnsonm@sblls.org

cc: DAVID J. GOLD, P.C.,
116 John St., Suite 3110,
New York, NY 10038
By Fax and regular mail: 212-962-2919

The Court shall hold
a conference on
MAY 22, 2008
at 3pm to discuss
the Case Management Plan.

SO ORDERED
Date: 5/13/08


RICHARD J. SULLIVAN
U.S.D.J.

Towards justice and dignity for all • Por justicia y dignidad para todos

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VIA UNITED LAWYERS SERVICE

Friday, May 09, 2008

HONORABLE JUDGE RICHARD J. SULLIVAN
UNITED STATES DISTRICT COURT
Southern District of New York
500 Pearl Street, Room 615
New York, New York 10007

RE: DAVID J. GOLD, P.C., et al. adv. DIANE MICELI
DJGPC File No.: 1104129
Case No.: 08 CIV. 2794 (RJS)

Dear Honorable Judge Sullivan:

In furtherance of the Court's Order of April 15, 2008, please be advised that the parties have attempted to reach an understanding with respect to various dates in the Case Management Plan and Scheduling Order, in connection with the above-entitled matter.

In fact, plaintiff's counsel continues to write to the Court inserting inflammatory and prejudicial information in the form of both letters and pleadings.

First, in paragraph 6 of plaintiff's Complaint, opposing counsel makes reference to disciplinary proceeding had against my office over 10 years ago and completely misstates the facts. Further, such a statement in a pleading has absolutely no bearing on any of the issues before this Court. I would respectfully request that this Court remind plaintiff's counsel that any allegations raised must be relevant to the issues in this litigation and not prejudicial or inflammatory to defendants.

DAVID J. GOLD, P.C., et al. adv. DIANE MICELI
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Second, opposing counsel is attempting to curtail defendants' right to implead various parties claiming that leave of Court is necessary. Opposing counsel had been reminded of defendants' right to implead various parties and in fact, plaintiff's counsel has been on notice of the impleader action from the outset of this litigation. Same was put on the record when the parties appeared in Court and again in letter form to the Court at the Court's request. Again, opposing counsel writes to the Court inserting incorrect, inappropriate and prejudicial statements in their letter. Opposing counsel has not even seen the third-party pleadings, yet they are writing to the Court to claim that same is frivolous and that sanctions will be sought. Once again, defendants would respectfully request that this Court remind opposing counsel of their obligation to familiarize themselves with the Federal Rules on impleader actions and their obligation not to write to the Court with information prejudicial and inflammatory to any party.

Finally, with respect to the various dates in the Case Management Plan and Scheduling Order, my office merely stated that additional time would be needed given the recent impleader action filed and the issues raised therein. In no way are defendants attempting to delay this litigation and in fact, defendants desire an immediate conclusion to what they view as a baseless lawsuit intended only to harass and annoy defendants. Thank you.

Very truly yours,

DAVID J. GOLD

DJG/ljs

cc: South Brooklyn Legal Services, Inc.
Attorneys for Plaintiff
Via Facsimile Only: 718.855.0733